

10 Rec'd 8 JUN 2001

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PATENT
Attorney Docket No.: 16303-007010US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

By: Sandy K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

02 JUL 2001

Legal Coun
International Division

In re application of:

Tao Chen et al.

Application No.: 09/674,191

Filed: October 26, 2000

For: POLYANIONIC POLYMERS WHICH
ENHANCE FUSOGENICITY

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: Unassigned

DECLARATION OF JEANETTE
MCDOUGALL IN SUPPORT OF PETITION
FOR FILING PATENT APPLICATION
UNDER 37 CFR 1.47(a): APPLICATION BY
ASSIGNEE WHEN A JOINT INVENTOR
REFUSES TO SIGN OR CANNOT BE
FOUND

Sir:

I, Jeanette McDougall, declare as follows:

1. I am an employee for the assignee of the subject application, Inex Pharmaceuticals Corporation ("INEX").
2. On or around January 15, 2001, I received from Joseph R. Snyder, an attorney with the law firm of Townsend and Townsend and Crew LLP and one of the attorneys of record in the subject application, an inventor declaration which was to be executed by all eight identified inventors of the subject application.
3. It is my understanding that Dr. Jung Soo Kim was a "post-doc" at the University of Massachusetts, working for one of the joint inventors in the present application, Dr. David Tirrell.
4. On or around May 8, 2001, I telephoned Zhao Wang, Tom Madden, and David Fenske, all joint inventors of the present application, asking if they knew the current



whereabouts of David Tirrell and Jung Soo Kim. Zhao Wang, who is a Research Scientist II at INEX, did not know the whereabouts of either David Tirrell or Jung Soo Kim. Tom Madden, Director Product Development for INEX, did not know the whereabouts of either David Tirrell or Jung Soo Kim. David Fenske, a Scientist at the Cullis lab at the University of British Columbia, did not know the whereabouts of either David Tirrell or Jung Soo Kim.

5. On or around May 8, 2001, I telephoned Pieter Cullis, a joint inventor of the present application, and left a voicemail message asking if he knew the current whereabouts of David Tirrell and Jung Soo Kim.

6. On May 22, 2001, I sent a follow-up e-mail to Pieter Cullis regarding the whereabouts of Dr. David Tirrell and Dr. Jung Soo Kim. A copy of the e-mail is attached as Exhibit 1A.

7. On May 23, 2001, I received an e-mail from Pieter Cullis indicating that David Tirrell was now at UCLA and that Jung Soo Kim had returned to Korea, but he did not know where. A copy of the e-mail is attached as Exhibit 1B.

8. I was unable to find David Tirrell at UCLA. However, as the address for David Tirrell listed on the Declaration and Power of Attorney showed Massachusetts, I found his name associated with the University of Massachusetts as the Barrett Professor in the Polymer Science & Engineering Department. However, Dr. Pieter Cullis advised that David Tirrell had moved.

9. I called James D. Capistran, Director, Centre for UMASS Industry Research on Polymers, and James Capistran advised that David Tirrell had actually moved to the California Institute of Technology, Pasadena. I found David Tirrell working with the California Institute of Technology in Pasadena. I e-mailed David Tirrell and asked him the current whereabouts of Jung Soo Kim. David Tirrell e-mailed me back indicating that he did not have a current address for Jung Soo Kim. The last known work place was with the University of Massachusetts working with Dr. Simon Kantor who is now retired. Copies of these e-mails are attached as Exhibit 2.

10. On or around May 25, 2001, I telephoned Eileen Besse at the University of Massachusetts and received Dr. Kantor's telephone number. Thereafter, I contacted Dr. Simon Kantor at his residence. Dr. Kantor indicated that Jung Soo Kim had returned to Korea a year earlier and maybe working with Korean Institute for Science & Technology (KIST). I called KIST, and was informed that there was no one by the name of Jung Soo Kim with KIST.

11. On or around May 28, I looked up KIST on the www, and found a number for the International Department. I called and was advised that there was no Jung Soo Kim working at KIST. The person I spoke with suggested that I might have the wrong organization, and suggested it may be KAIST (Korean Advanced Institute for Science and Technology).

12. I looked up KAIST on the www and obtained a telephone number. I called and was advised that Jung Soo Kim did indeed work there and was transferred to his department. Someone named Irene answered the phone and I had to leave a message because Jung Soo Kim was out of his office. I called a few hours later because I did not receive a return phone call, and I was told that he had not returned to the office when expected and was given his e-mail address.

13. On June 6, 2001, I sent an e-mail to Jung Soo Kim explaining the situation and attached the Declaration and Power of Attorney and the Assignment. A copy of the e-mail is attached as Exhibit 3A.

14. On June 7, 2001, I received a response to the June 6, 2001 e-mail, but it was from a Myung Soo Kim, and she advised me that she was the wrong person. A copy of the e-mail is attached as Exhibit 3B.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statement made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of



the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

Respectfully submitted,

Jeanette McDougall
✓ Jeanette McDougall

Date: June 15, 2001

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
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JS:sgk

SF 1236426 v1



10 Rec'd PCT/JP/01 18 JUN 2001

EXHIBIT



10 REC 1.8 JUN 2001

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) 16303-70PC

Box No. I TITLE OF INVENTION

POLYANIONIC POLYMERS WHICH ENHANCE FUSOGENICITY

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

INEX PHARMACEUTICALS CORPORATION
100-8900 Glenlyon Parkway
Glenlyon Business Park
Burnaby, British Columbia, CANADA V6K 3S4

☐ This person is also inventor.

Telephone No.

604 419 3200

Facsimile No.

604 419 3201

Teleprinter No.

State (that is, country) of nationality:

CA

State (that is, country) of residence:

CA

This person is applicant for the purposes of:

☐ all designated States

☒ all designated States except the United States of America

☐ the United States of America only

☐ the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

CHEN, Tao
No. 9 - 7711 Minoru Blvd.
Richmond, British Columbia
CANADA V6Y 1Z3

This person is:

☐ applicant only

☒ applicant and inventor

☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

CA

State (that is, country) of residence:

CA

This person is applicant for the purposes of:

☒ all designated States

☐ all designated States except the United States of America

☐ the United States of America only

☐ the States indicated in the Supplemental Box

☒ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

☒ agent

☐ common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

SNYDER, Joseph R.; GARRETT-WACKOWSKI, Eugenia;
SMITH, Timothy L.; SMITH, William M.
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
United States of America

Telephone No.

(415) 576-0200

Facsimile No.

(415) 576-0300

Teleprinter No.

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

| Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S) | |
|---|--|
| <i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i> | |
| <p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p> <p>HE, Yuehua 205 - 8669 Heather St. Vancouver, British Columbia CANADA V6P 3S6</p> | <p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p> |
| State (that is, country) of nationality: CA | State (that is, country) of residence: CA |
| <p>This person is applicant for the purposes of: <input checked="" type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p> | |
| <p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p> <p>CULLIS, Peter 3732 West First Avenue Vancouver, British Columbia CANADA V5R 1H4</p> | <p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p> |
| State (that is, country) of nationality: CA | State (that is, country) of residence: CA |
| <p>This person is applicant for the purposes of: <input checked="" type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p> | |
| <p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p> <p>MADDEN, Thomas 2714 W. 31st Avenue Vancouver, British Columbia CANADA V6L 1A1</p> | <p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p> |
| State (that is, country) of nationality: CA | State (that is, country) of residence: CA |
| <p>This person is applicant for the purposes of: <input checked="" type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p> | |
| <p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p> <p>SCHERRER, Peter 301 - 2664 Birch St. Vancouver, British Columbia CANADA V6H 2T5</p> | <p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p> |
| State (that is, country) of nationality: CH | State (that is, country) of residence: CA |
| <p>This person is applicant for the purposes of: <input checked="" type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p> | |
| <p><input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.</p> | |

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

KIM, Jung Soo
362 Northhampton Road, Apt.C
Amherst, Massachusetts 01002
United States of America

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

KR

State (that is, country) of residence:

US

This person is applicant for the purposes of:

- ☒ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

TIRRELL, David
101 N.Plain Road
Sunderland, Massachusetts 01375
United States of America

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

US

State (that is, country) of residence:

US

This person is applicant for the purposes of:

- ☒ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

JOSHI, Phalgun
86 East 19th Avenue
Vancouver, British Columbia
CANADA V5V 1H7

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

CA

State (that is, country) of residence:

CA

This person is applicant for the purposes of:

- ☒ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
☐ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on another continuation sheet.

Box No. V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- ☒ AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ EP European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | |
|--|--|
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> LS Lesotho |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> LT Lithuania |
| <input checked="" type="checkbox"/> AT Austria | <input checked="" type="checkbox"/> LU Luxembourg |
| <input checked="" type="checkbox"/> AU Australia | <input checked="" type="checkbox"/> LV Latvia |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> MD Republic of Moldova |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> MG Madagascar |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BG Bulgaria | |
| <input checked="" type="checkbox"/> BR Brazil | <input checked="" type="checkbox"/> MN Mongolia |
| <input checked="" type="checkbox"/> BY Belarus | <input checked="" type="checkbox"/> MW Malawi |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> MX Mexico |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> NO Norway |
| <input checked="" type="checkbox"/> CN China | <input checked="" type="checkbox"/> NZ New Zealand |
| <input checked="" type="checkbox"/> CU Cuba | <input checked="" type="checkbox"/> PL Poland |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> PT Portugal |
| <input checked="" type="checkbox"/> DE Germany | <input checked="" type="checkbox"/> RO Romania |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> RU Russian Federation |
| <input checked="" type="checkbox"/> EE Estonia | <input checked="" type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> ES Spain | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> FI Finland | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> SI Slovenia |
| <input checked="" type="checkbox"/> GD Grenada | <input checked="" type="checkbox"/> SK Slovakia |
| <input checked="" type="checkbox"/> GE Georgia | <input checked="" type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> GH Ghana | <input checked="" type="checkbox"/> TJ Tajikistan |
| <input checked="" type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> TM Turkmenistan |
| <input checked="" type="checkbox"/> HR Croatia | <input checked="" type="checkbox"/> TR Turkey |
| <input checked="" type="checkbox"/> HU Hungary | <input checked="" type="checkbox"/> TT Trinidad and Tobago |
| <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> UA Ukraine |
| <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> UG Uganda |
| <input checked="" type="checkbox"/> IN India | <input checked="" type="checkbox"/> US United States of America |
| <input checked="" type="checkbox"/> IS Iceland | |
| <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> UZ Uzbekistan |
| <input checked="" type="checkbox"/> KE Kenya | <input checked="" type="checkbox"/> VN Viet Nam |
| <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> YU Yugoslavia |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> ZW Zimbabwe |
| <input checked="" type="checkbox"/> KR Republic of Korea | |
| <input checked="" type="checkbox"/> KZ Kazakhstan | |
| <input checked="" type="checkbox"/> LC Saint Lucia | |
| <input checked="" type="checkbox"/> LK Sri Lanka | |
| <input checked="" type="checkbox"/> LR Liberia | |

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- ☒ AE United Arab Emirates
- ☒ ZA South Africa
- ☐

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

Supplemental Box

If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
 - (i) If more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
 - (ii) If, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
 - (iii) If, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
 - (iv) If, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
 - (v) If, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation-in-part": in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;
 - (vi) If, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI;
 - (vii) If, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.
2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.
3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Continuation of Box No. IX: SIGNATURE OF APPLICANT OR AGENT:

Tao Chen

Yuehua He

Peter Cullis

Thomas Madden

Peter Scherrer

Jung Soo Kim

David Tirrell

Joshi Phalgun

| | | | | | | |
|---|-------------------------------|-------------------------------|---------------------------------------|---|---|--|
| Box No. VI PRIORITY CLAIM | | | | | <input type="checkbox"/> Further priority claims are indicated in the Supplemental Box. | |
| Filing date of earlier application (day/month/year) | Number of earlier application | Where earlier application is: | | | | |
| | | national application: country | regional application: regional Office | international application: receiving Office | | |
| item (1) (28.04.98) 28 APRIL 1998 | 60/083,294 | US | | | | |
| item (2) | | | | | | |
| item (3) | | | | | | |

☒ The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): (1)

* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(1)). See Supplemental Box.

| | | | |
|---|--|--------|------------------------------|
| Box No. VII INTERNATIONAL SEARCHING AUTHORITY | | | |
| Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used): | Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority): | | |
| ISA /EP | Date (day/month/year) | Number | Country (or regional Office) |

| | |
|--|---|
| Box No. VIII CHECK LIST: LANGUAGE OF FILING | |
| This international application contains the following number of sheets: request : 6 description (excluding sequence listing part) : 40 claims : 8 abstract : 1 drawings : 14 sequence listing part of description : 0 Total number of sheets : 69 | This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input type="checkbox"/> separate signed power of attorney 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any; 4. <input type="checkbox"/> statement explaining lack of signature 5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s); 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material 8. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input checked="" type="checkbox"/> other (specify): Transmittal Sheet and post card |
| Figure of the drawings which should accompany the abstract: | Language of filing of the international application: ENGLISH |

| | |
|--|--|
| Box No. IX SIGNATURE OF APPLICANT OR AGENT | |
| Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request). | |
| INEX PHARMACEUTICALS CORPORATION By: _____ Name: _____ Title: _____ | |

| | |
|--|--|
| For receiving Office use only | |
| 1. Date of actual receipt of the purported international application: _____ 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: _____ 4. Date of timely receipt of the required corrections under PCT Article 11(2): _____ 5. International Searching Authority (if two or more are competent): ISA / | 2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received: 6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid. |

| | |
|---|--|
| For International Bureau use only | |
| Date of receipt of the record copy by the International Bureau: _____ | |

Supplemental Box If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." (Indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
 - (i) if more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
 - (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be). Indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
 - (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
 - (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
 - (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation-in-part": in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;
 - (vi) if, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI;
 - (vii) if, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.
2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.
3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Continuation of Box No. IX: SIGNATURE OF APPLICANT OR AGENT:

Tao Chen

Peter Cullis

Peter Scherrer

David Tirrell

Yuehua He

Thomas Madden

Jung Soo Kim

Joshi Phalgun

Supplemental Box If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
 - (i) If more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
 - (ii) If, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
 - (iii) If, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
 - (iv) If, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
 - (v) If, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation-in-part": in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;
 - (vi) If, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI;
 - (vii) If, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.
2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.
3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Continuation of Box No. IX: SIGNATURE OF APPLICANT OR AGENT:

Tao Chen

Yuehua He

Peter Cullis

Thomas Madden

Peter Scherrer

Jung Soo Kim

David Tirrell

Joshi Phalgun

| Box No. VI PRIORITY CLAIM | | | | |
|---|-------------------------------|--|---------------------------------------|---|
| Filing date of earlier application (day/month/year) | Number of earlier application | Further priority claims are indicated in the Supplemental Box. | | |
| | | Where earlier application is: | | |
| | | national application: country | regional application: regional Office | international application: receiving Office |
| item (1) (28.04.98) 28 APRIL 1998 | 60/083,294 | US | | |
| item (2) | | | | |
| item (3) | | | | |

☒ The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): (1)

* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen: the two-letter code may be used):

ISA /EP

Request to use results of earlier search: reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

Date (day month/year)

Number

Country (or regional Office)

Box No. VIII CHECK LIST: LANGUAGE OF FILING

This international application contains the following number of sheets:

request : 6

description (excluding sequence listing part) : 40

claims : 8

abstract : 1

drawings : 14

sequence listing part of description : 0

Total number of sheets : 69

This international application is accompanied by the item(s) marked below:

1. ☒ fee calculation sheet
2. ☐ separate signed power of attorney
3. ☐ copy of general power of attorney: reference number, if any:
4. ☐ statement explaining lack of signature
5. ☐ priority document(s) identified in Box No. VI as item(s):
6. ☐ translation of international application into (language):
7. ☐ separate indications concerning deposited microorganism or other biological material
8. ☐ nucleotide and/or amino acid sequence listing in computer readable form
9. ☒ other (specify): Transmittal Sheet and post card

Figure of the drawings which should accompany the abstract:

Language of filing of the international application:

ENGLISH

Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

INEX PHARMACEUTICALS CORPORATION

By: T. B. MacRury

Name: Tom MacRury

Title: Senior VP of Operations

| | | |
|---|--|--|
| 1. Date of actual receipt of the purported international application: | | 2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received: |
| 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: | | |
| 4. Date of timely receipt of the required corrections under PCT Article 11(2): | | |
| 5. International Searching Authority (if two or more are competent): ISA / | 6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid. | |

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|---|-----------------------------------|
| Date of receipt of the record copy by the International Bureau: | For International Bureau use only |
|---|-----------------------------------|

This sheet is not part of and does not count as a sheet of the international application.

PCT

FEE CALCULATION SHEET Annex to the Request

For receiving Office use only

International application No.

Date stamp of the receiving Office

Applicant's or agent's
file reference

16303-70PC

Applicant

INEX PHARMACEUTICALS CORPORATION, et al

CALCULATION OF PRESCRIBED FEES

1. TRANSMITTAL FEE 240. T

2. SEARCH FEE 1,350 S

International search to be carried out by EP
(If two or more International Searching Authorities are competent in relation to the international application, indicate the name of the Authority which is chosen to carry out the international search.)

3. INTERNATIONAL FEE

Basic Fee

The international application contains 69 sheets.

first 30 sheets 455. b1

39 x 10. = 390. b2

remaining sheets additional amount

Add amounts entered at b1 and b2 and enter total at B 845. B

Designation Fees

The international application contains max designations.

10+ x 105. = 1,050. D

number of designation fees payable (maximum 10) amount of designation fee

Add amounts entered at B and D and enter total at I 1,895. I
(Applicants from certain States are entitled to a reduction of 75% of the international fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 25% of the sum of the amounts entered at B and D.)

4. FEE FOR PRIORITY DOCUMENT (if applicable) 15. P

5. TOTAL FEES PAYABLE 3,500.

Add amounts entered at T, S, I and P, and enter total in the TOTAL box

TOTAL

☐ The designation fees are not paid at this time.

MODE OF PAYMENT

☒ authorization to charge
deposit account (see below)

☐ cheque

☐ postal money order

☐ bank draft

☐ cash

☐ revenue stamps

☐ coupons

☐ other (specify):

DEPOSIT ACCOUNT AUTHORIZATION (this mode of payment may not be available at all receiving Offices)

The RO/ US ☒ is hereby authorized to charge the total fees indicated above to my deposit account.

☒ (this check-box may be marked only if the conditions for deposit accounts of the receiving Office so permit) is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.

☒ is hereby authorized to charge the fee for preparation and transmittal of the priority document to the International Bureau of WIPO to my deposit account.

20-1430

Deposit Account No.

27 APRIL 1999

Date (day/month/year)

Signature Eugenia Garrett Wackowski

Form PCT/RO/101 (Annex) (January 1999)

See Notes to the fee calculation sheet

10 Rec'd 18 JUN 2001



EXHIBIT 1

10:33:15 PM 18 JUN 2001

-----Original Message-----

From: Pieter Cullis [mailto:pcullis@inexpharm.com]
Sent: Wednesday, May 23, 2001 2:17 PM
To: Jeanette McDougall
Subject: RE: David Tirrell, Jung Soo Kim

Exhibit 1B

Jeanette-David Tirrell is now at UCLA, Jung Soo Kim went back to Korea, I don't know where.

Pieter

-----Original Message-----

From: Jeanette McDougall [mailto:jmcdougall@inexpharm.com]
Sent: Tuesday, May 22, 2001 3:18 PM
To: Pieter Cullis
Subject: David Tirrell, Jung Soo Kim

Exhibit 1A

Hi Pieter:

I should have asked you about these 2 people in my previous email. I spoke with Zhao Wang this afternoon, and she said that David Tirrell has moved to a new university (all I have is a Massachusetts address for him), and she thought you might know their whereabouts.

Thanks very much.
Jeanette



JO RECEIVED JUN 18 2001

EXHIBIT 2

18 JUN 2001

-----Original Message-----

From: David A. Tirrell [mailto:tirrell@caltech.edu]

Sent: Thursday, May 24, 2001 1:03 PM

To: Jeanette McDougall

Subject: Re: US Patent Application: Polyanionic Polymers Which Enhance Fusogenicity

Dear Jeanette:

My contact information is given below. Unfortunately, I do not have a current address for Jungsoo Kim. After he finished with me, he stayed on in Amherst with Simon Kantor, but I believe Dr. Kantor has since retired.

David Tirrell

>Dear Dr. Tirrell:

>

>I am contacting you regarding the above-referenced patent application which
>was filed on October 26, 2000, using the missing parts procedure (I had
just

>started with Inex at that time and don't know why the missing parts
>procedure was used, however if you would like to know I can contact Tom
>Digby, who was our lawyer at that time). We require the signature of all
>the inventors on two forms: a) Declaration and Power of Attorney; and 2)
>Assignment (two witnesses are needed here), and there is some urgency to
>this, so I am wondering if there is an address that I can courier these
>forms to you.

>

>I am also wondering if you happen to know how I can contact JungSoo Kim as
>he is listed as an inventor, so his signatures are required as well (Pieter
>Cullis thinks he may have returned to Korea).

>

>Thank you very much, and if you have any questions or concerns, please do
>not hesitate to contact me.

>

>Best regards,

>

>

>

>Jeanette McDougall

>Inex Pharmaceuticals Corporation



10 PAGES 18 JUN 2001

EXHIBIT 3

10 Rec'd 7:07 PM 18 JUN 2001

-----Original Message-----

From: kim myung soo [mailto:msk3380@kist.re.kr]

Sent: Wednesday, June 06, 2001 5:59 PM

To: Jeanette McDougall

Subject: Re: Patent Documentation re: Polyanionic Polymers Which Enhance Fusogenicity

Dear Mrs. Jeanette McDougall

Exhibit 3B

Thank you very much for your e-mail dated on the June 7, 2001 about Patent Documentation.

However you got the wrong person.

My name is Myungsoo Kim which is similar name with Dr. Jung Soo Kim.

There is no person named Jung Soo Kim in Korea Institute of Science and Technology(KIST) located in Seoul, Korea.

Please check again the application form of Patent.

With best regards.

Myungsoo Kim

DCC/KIST

Seoul, Korea

June 7, 2001

----- Original Message -----

From: Jeanette McDougall <jmcdougall@inexpharm.com>

To: <msk3380@kist.re.kr>

Sent: Thursday, June 07, 2001 8:35 AM

Subject: Patent Documentation re: Polyanionic Polymers Which Enhance Fusogenicity

> Dear Dr. JungSoq Kim:

>

> The above-referenced patent application, for which you are listed as one of

> the inventors, was filed last October using the Missing Parts Procedure.

> Each inventor is required to sign a Declaration and Power of Attorney and

> Assignment (please note that the Assignment requires two witnesses to sign

> and date), and I currently have all of the inventor's signatures except for

> yours (I had some difficulty finding your whereabouts, however, David

> Tirrell was very helpful with this).

>

> I apologize for the late notice on this, however, we must have this filed

> prior to June 18th, which is a non-extendible deadline. I have taken the

> liberty of attaching these documents; would you kindly print them, sign and

> date, and when completed please advise me via email or telephone and I will

> arrange a courier for pick up (we need original signatures so have to use a

> courier).

>

> Thank you very much, and if you have any questions or concerns, please do

> not hesitate to contact me.

>

>

>

> Best regards,

>

> Jeanette McDougall

> Inex Pharmaceuticals Corporation

> #100 - 8900 Glenlyon Parkway

> Glenlyon Business Park

> Burnaby, B.C.

> V5J 5J8

> Tel: (604) 419-3213

> Fax: (604) 419-3201

> email: jmcDougall@inexpharm.com

>

>

>

Exhibit 3A